

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

G4S SECURE SOLUTIONS (USA), INC.
Employer

and

Case 12-RC-203988

INTERNATIONAL UNION, SECURITY, POLICE
AND FIRE PROFESSIONALS OF AMERICA,
LOCAL 610
Petitioner

ORDER

The Employer's request for review of the Acting Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

¹ The Acting Regional Director inadvertently stated that Project Manager James Scott's testimony concerning discipline he issued in 2013 was unsupported by documentary evidence. We have reviewed the disciplinary notice and find that neither it nor Scott's testimony establishes that he used independent judgment in issuing the notice.

In denying review of the Acting Regional Director's finding that the lieutenants, when acting as "response team leaders," do not responsibly direct security officers in responding to drills and tactical situations, we find that the Employer did not demonstrate that it holds the lieutenants accountable for the security officer's performance. *Community Education Centers, Inc.*, 360 NLRB No. 17, slip op. at 1 (2014).

Further, the Employer failed to submit sufficient evidence detailing lieutenants' role in drills or other tactical situations. To the extent the Employer felt constrained from entering such evidence into the record, we note that there are procedures for protective orders in Board proceedings that extend to documents and testimony. *Overnite Transportation Co.*, 329 NLRB 990, 997 (1999) (Board continues protective order in combined unfair labor practice and election case regarding certain testimony and sealed exhibits); *NFL Management Council*, 309 NLRB 78, 88 (1992) (Board continues in force protective order covering certain exhibits and in camera testimony); *Pepsi-Cola*, 307 NLRB 1378, 1379 fn. 1 (1992) (judge issued an agreed-to protective order placing excerpts from the employer's security manual under seal and requiring the documents be returned to the employer at the end of the proceedings); see generally *Securitas Critical Infrastructure Services, Inc.*, Case 18-RC-120181 (April 4, 2014) (not reported in Board volumes) (same). The Employer, however, made no effort to avail itself of those procedures.

Moreover, we note that, although the Acting Regional Director did not directly address the question whether lieutenants' ability to send officers home on account of unfitness for duty constituted supervisory authority, the record demonstrates that such authority is exercised only under conditions where there were obvious deficiencies, such as intoxication, affecting an

MARVIN E. KAPLAN,	CHAIRMAN
MARK GASTON PEARCE,	MEMBER
LAUREN McFERRAN,	MEMBER

Dated, Washington, D.C., March 20, 2018

officer's job performance. Under those circumstances, such authority does not involve the exercise of independent judgment. See *Vencor Hospital-Los Angeles*, 328 NLRB 1136, 1139 (1999); *Washington Nursing Home, Inc.*, 321 NLRB 366, 366 fn. 4 (1996).

We find no merit in the Petitioner's request to dismiss the Request for Review for not conforming to the Board's procedural requirements. Board's Rules & Regulations Sec. 102.67(d) & (i).